

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16-29 are rejected under 35 U.S.C. 102(e) as being anticipated by US PAT 6,611,201 to Bishop.

As to claims 16, Bishop discloses a method for recording operating data wherein a command sequence is generated and transmitted to a monitoring unit in the vehicle (col 16, lines 12-16), the command sequence is processed (col 16, lines 16-18) in the monitoring unit.

As to claim 25, there is a storage unit (col 16, lines 40-43).

As to claims 28,29 the device is used for vehicles (fig 1).

As to claims 17, the command sequence determines the type of operating data recording (col 16, lines 34-40).

As to claims 18, the command sequence is transmitted wirelessly (fig 1).

As to claims 19,20, a mobile phone (with storage, as is inherent in phones as they inherently need to store information, such as phone number, in order to be used) system is used (fig 9A, described in Brief Description of the Drawings in col 3).

As to claim 21, the command sequence is checked in the processing unit (inherent in that it processes it).

As to claim 22, the command sequence is stored (col 16, lines 40-45)

As to claim 23, the data is transmitted from a monitoring unit (fig 1).

As to claim 24, the message is transmitted when a specific criterion is met (inherent in that unless a criterion is met, messages would go out for no reason).

As to claim 26, there is a display (col 4, lines 56-57).

As to claim 27, there are operational control elements (figs 2 a-d).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Fisher/
Examiner, Art Unit 3689
MF
1/21/09